

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Nationwide Permit Water Quality Certification Conditions
February 11, 1997
Page 1

Standard Provisions: These following provisions attach to any permit issued by the Corps of Engineers and shall be followed by the permittee or any employee, agent, contractor or subcontractor of the permittee during any phase of work authorized by a Corps permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life or to terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TNRCC, Emergency Spill Response, at (512) 463-7727. Before using tire for fill material, the applicant must obtain the necessary authorization from the Water Tire Recycling Program, MC223, TNRCC, P.O. Box 13087, Austin, TX, 78711-3087. Phone number (512) 239-6001.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary. Prior to the construction of an impoundment, the applicant must obtain the necessary authorization from the Water Rights Permitting Section, MC 148, TNRCC, P.O. Box 13087, Austin, TX, 78711-3087. Phone number (512) 239-5901.
8. Dredge Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Nationwide Permit Water Quality Certification Conditions
February 11, 1997
Page 2

the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.

9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TNRCC, Emergency Spill Response, shall be contacted at (512) 463-7727. Dredging activities shall not be resumed until authorized by the Commission.

10. Contaminated water, soil or any other material shall not be allowed to enter a watercourse. Noncontaminated stormwater from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.

11. Stormwater runoff from construction activities (US EPA Category X) are governed by the requirements of the US Environmental Protection Agency. Applications to apply for a general permit are to be obtained from Region 6, US EPA at (214) 665-7185.

12. Upon completion of earthwork operations all temporary fills shall be removed from the watercourse/ wetland and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.

14. Where the control of weeds, insects and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.

15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.

16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms or putrescible sludge deposits or sediment layers which adversely affect benthic biota or any lawful uses.

17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes and bays.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Nationwide Permit Water Quality Certification Conditions
February 11, 1997
Page 3

18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition, foaming or frothing of a persistent nature is avoided and surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.

19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.

Additional Conditions of Section 401 Certification for Specific Nationwide Permits:

Nationwide Permit 13 (Bank Stabilization)

Before using tires for bank stabilization, the applicant must obtain the necessary authorization from the Waste Tire Recycling Program, MC 223, TNRCC, P.O. Box 13087, Austin, TX, 78711-3087. Phone number (512) 239-6001.

Nationwide Permit 16 (Return Water From Upland Disposal Areas)

Effluent from an upland contained dredged material disposal area shall not exceed a Total Suspended Solids (TSS) concentration of 300 mg/l unless an individual certification has been issued with site-specific TSS limits.

There may be times during the term of this Nationwide Permit when the TNRCC identifies areas with contaminated sediment. After the TNRCC identifies these areas in writing to the Corps, persons filing a predischARGE notice for work in one of these areas will be required to obtain an individual Section 401 certification or waiver from the state.

Because of potential mercury contamination of the sediments in Cox Bay and Lavaca Bay, any return flow from activities occurring there will require an individual Section 401 certification or waiver.

Nationwide Permit 19 (Minor Dredging)

There may be times during the term of this Nationwide Permit when the TNRCC identifies areas with contaminated sediment. After TNRCC identifies these areas in writing to the Corps, persons filing a predischARGE notice for work in one of these areas will be required to obtain an individual Section 401 certification or waiver from the state.

Because of potential mercury contamination of the sediments in Cox Bay and Lavaca Bay, any dredging activities occurring there will require an individual Section 401 certification or waiver.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Nationwide Permit Water Quality Certification Conditions
February 11, 1997
Page 4

Nationwide Permit 26 (Headwaters and Isolated Waters Discharges)

The TNRCC reserves the right to modify certification of this permit if additional information identifies specific areas where significant impacts, including cumulative or secondary impacts, are occurring and the use of this Nationwide Permit would be inappropriate.

Nationwide Permit 31 (Maintenance of Existing Flood Control Projects)

This certification is limited to those projects which have received a U.S. Army Corps of Engineers authorization for construction or maintenance after 1977.

Nationwide Permit 35 (Maintenance Dredging of Existing Basins)

There may be times during the term of this Nationwide Permit when the TNRCC identifies areas with contaminated sediment. After TNRCC identifies these areas in writing to the Corps, persons filing a predischARGE notice for work in one of these areas will be required to obtain an individual Section 401 certification or waiver from the state.

Because of potential mercury contamination of the sediments in Cox Bay and Lavaca Bay, any dredging activities occurring there will require an individual Section 401 certification or waiver.